

UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

FERGUSON ENTERPRISES, INC.	)	
OF VIRGINIA d/b/a FERGUSON	)	
ENTERPRISES, INC.,	)	
Plaintiff,	)	
	)	Case Number: 1:06CV288
vs.	)	
	)	
CLEAR-WATER PLUMBING COMPANY	)	
OF NORTH CAROLINA, INC., PHILLIP	)	
B. SMITH, C CONSTRUCTION CO., INC.	)	
and XL SPECIALTY INSURANCE COMPANY,	)	
Defendants.	)	

**DEFAULT JUDGMENT AGAINST  
DEFENDANTS CLEAR-WATER PLUMBING COMPANY OF  
NORTH CAROLINA, INC., AND PHILLIP B. SMITH  
ON COUNTS TWO AND FOUR OF THE COMPLAINT**

THIS MATTER COMING ON BEFORE THE COURT and being considered pursuant to Plaintiff's Motion for Default Judgment as to Defendants Clear-Water Plumbing Company of North Carolina, Inc. ("Defendant Clear-Water"), and Phillip B. Smith ("Defendant Smith") regarding Counts Two and Four of the Complaint.

THAT WHEREAS it has been made to appear to the Court that a complaint, verified or upon affidavit, was filed and summons was issued in this action, and said summons, together with a copy of said complaint, was served on Defendant Clear-Water and on Defendant Smith;

AND IT FURTHER APPEARING to the Court that no answer, motion to dismiss, or pleading has been filed by the Defendant Clear-Water or Defendant Smith, and that the time for pleading or otherwise defending has expired;

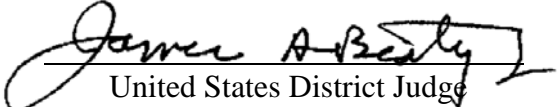
AND IT FURTHER APPEARING to the Court that Plaintiff gave notice of its Motion for Default Judgment to Defendant Clear-Water and Defendant Smith on December 18, 2006, and that more than five (5) days have since then passed;

AND IT FURTHER APPEARING to the Court that the default of Defendant Clear-Water and Defendant Smith has been entered according to the Rules of Civil Procedure. Upon the request of the Plaintiff, Judgment is hereby entered against the Defendants in pursuance of the prayer of said verified complaint or affidavit.

NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:

1. the Plaintiff have and recover on Counts Two and Four of the Complaint, jointly and severally, of the Defendant Clear-Water Plumbing Company of North Carolina, Inc. and Phillip B. Smith, in the amount of \$57,067.53, with interest thereon at the contract rate of 1½% per month (18% APR) per annum from August 31, 2005, until date of Judgment and interest thereafter at the federal judgment legal rate per annum of 4.96% until paid in full, and reasonable attorney's fees in the amount of \$8,560.13; and
2. the costs of this action be taxed against these Defendants.

This the 11<sup>th</sup> day of January, 2007.

  
United States District Judge